

December 16, 2020

**VIA ECF**

The Honorable Alison J. Nathan  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, NY 10007

**Re: United States v. Michael Goliszeski  
19 Cr. 889 (AJN)**

Dear Judge Nathan:

We write in response to the Court's Order of December 9, 2020, directing the parties to provide a status update after conferring with the Bureau of Prisons about Mr. Goliszeski's surrender. Below please find Mr. Goliszeski's position and the Government's position.

1. Mr. Goliszeski's Position

On December 8, 2020, prior to the Court's order, we contacted the Bureau of Prisons and were informed that Mr. Goliszeski has been designated to the camp at FCI Fort Dix, where he is scheduled to report on January 2, 2021. Fort Dix is currently experiencing a severe coronavirus outbreak, with at least 13 positive cases among inmates, 47 cases among staff, and 363 recovered cases. See *BOP: COVID-19 Update*, BOP.gov (last updated Dec. 16, 2020), <https://www.bop.gov/coronavirus/>.

In light of Mr. Goliszeski's designation to a facility where there is a serious and ongoing outbreak, his advanced age (age 69) and his medical conditions, I intend to file a detailed motion no later than Friday, December 18, 2020 asking this Court, pursuant to 18 U.S.C. § 3582(c)(1)(A), to reduce Mr. Goliszeski's custodial sentence to time served and impose in its place a period of supervised release with a condition of home confinement. In the alternative, I would request a delay in Mr. Goliszeski's surrender date for an additional 6 months, or until a safe and effective vaccine is available to him.

Because Mr. Goliszeski's surrender date is quickly approaching, I would respectfully request that this Court order that Mr. Goliszeski's January 2, 2021 surrender date be stayed while Your Honor considers the detailed motion we intend to file by Friday.

2. The Government's Position

On Monday, December 14, 2020, the Government was informed by a representative of the BOP's regional counsel's office that Mr. Goliszeski has been designated to FCI Fort Dix – Camp, which is a minimum security satellite camp adjacent to the FCI Fort Dix – Low facility, which is a low security institution. See Fort Dix BOP Website, available at:

The Honorable Alison J. Nathan  
December 16, 2020

Page 2

<https://www.bop.gov/locations/institutions/ftd/>. The BOP also confirmed that Mr. Goliszeski's surrender date is January 2, 2021, as stated in the criminal judgment. Because January 2, 2021, is a Saturday, however, BOP would permit Mr. Goliszeski to surrender the following Monday, January 4, 2021.

The Government understands that Mr. Goliszeski wishes to delay his surrender date in light of concerns associated with the COVID-19 pandemic. According to the BOP official with whom the Government communicated on December 14, 2020, there have been no confirmed COVID-19 cases at Fort Dix – Camp since May 2020. In addition, the Government is aware that both Fort Dix facilities have undertaken significant steps to mitigate the impact of COVID-19 on the inmate population. (See, for example, the affidavits attached to the Government's letter in *United States v. Rodriguez*, 16 Cr. 007 (AJN), Dkt. No. 62, currently pending before Your Honor.)

The Government also recognizes that the Court delayed Mr. Goliszeski's surrender already six months after his sentencing, and the Government, the victim, and the public have an interest in ensuring that Mr. Goliszeski begins serving his sentence. Nevertheless, the Government would not oppose a further delay in Mr. Goliszeski's surrender date for a reasonably short period of a few additional months in light of the concerns he has addressed. The Government opposes a reduction in Mr. Goliszeski's sentence.

3. Conclusion

Thank you for your consideration of our respective positions.

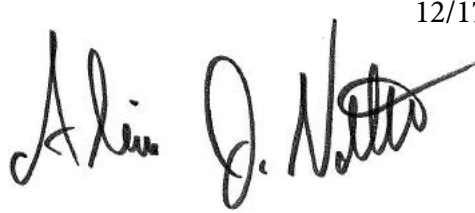
Sincerely,

/s/ Kristen M. Santillo

Kristen M. Santillo

The Defendant's surrender date is hereby adjourned to April 30, 2021. The parties shall submit a status update by no later than April 2, 2021.  
SO ORDERED.

12/17/20



SO ORDERED.  
ALISON J. NATHAN, U.S.D.J.